GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:781
ANSWERED ON:06.03.2002
INTER CADRE TRANSFER
VILAS BABURAO MUTTEMWAR

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Supreme Court in its recent judgement in the matter of inter cadre transfer of All India Service officers has upheld that no cadre transfer was permissible on medical ground, personal reasons and also on the ground of marriage to an officer serving in Central Service/State Service/Public Sector Undertaking or any other organization;

(b) if so, whether the Government propose to review the rules making thereby a provision for the working husband and the wife to be posted at the same place of work even if it is to be done on deputation basis; and

(c) if so, the details thereof?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, MINISTER OF STATE IN THE MINIS PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE MINISTRY OF PLANNING AND M OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY AND SPACE. (SMT.VASUNDHARA RAJE)

(a),(b) & (c): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a),(b) and (c) OF LOK SABHA UNSTARRED QUESTION NO. 781 6.3.2002 REGARDING INTER-CADRE TRANSFER.

Hon`ble Supreme Court of India vide its order dated 5.9.2001 in Civil Appeal No. 6281-6282 of 2001 filed by the Union of India, setting aside the directions dated 20.12.1999 and 15.3.2000 of Hon`ble High Court of Andhra Pradesh in Writ Petition No. 21818 of 1999 and RWMP No. 4223 of 2000 and upholding the policy of the Government in this regard, observed as under:

`It appears that the High Court has not taken into consideration first part which is the preamble of the aforesaid policy which specifically provides that the transfer of any spouse of the All India Services officers would not be allowed to the Home State. Subject to this condition, inter-cadre transfer of officers is to be considered on the ground (a) marriage, or (b) extreme hardship. Negative provision is also made to the effect that generally no cadre transfer should be permitted on medical ground/personal reasons and also on the ground of marriage to an officer serving in a Central Service/State Service/Public Service Undertaking/any other organization.`

The posting of All India Service(s) officers within the State, however, falls in the jurisdiction of the concerned State Government. As such, there is no proposal to make any provision or rule in this regard.